G.R.S. IX—5]

Previous references. 1922 File No. 167-22

(Courts) Serial Nos. 1-2.

Later references.

No 167-22(3-4) Preserve

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1000.

Part B for March 1923.

SUBJECT

Institution of proceedings against V. Ponnusamachari and 7 others under section 294 A. I.P.C. for keeping a Lottery Office in the limits of Kengeri Police Station.

8(2) To the Dy. Comr & D.M. Bangalore Dt.

No. P 9652 of 17.3.23.

Sanctions

Dr Nanjundiah 16/4/23

GENERAL AND REVENUE SECRETARIAT.

(Cr-)

NOTES.

File No. 167-22-

FILE HEADING.

Institution of proceedings against V. Ponnusamachari and 7 others under Section 294A of the I.P.C.

From The Dy. Commissioner, Bangalore West.

No. JC. 964/1922 Dated 24/29. 1. 1923 Received 1. 2. 23

Diary No.	Enclos.	Spare Copies.	Serial No.
3947			1

BRIEF ABSTRACT OF LETTER.

Requesting sanction to institute proceedings against the 8 persons referred to in the letter under Sec 294A of the I.P.C

NOTES AND ORDERS.

Subj. From the record it is seen that a case under Sec 294A has been made out against the accused persons and sanction of Govt. is necessary under Sec 196 of the Cr. Pro. Code to proceed

C G. R. S. III-2]

General and Revenue Secretariat.

2947
65 File No. 167/3 of 19 22

Serial No.

against them persons.
Necessary draft sanctioning is put-
up prepared thereunder.

Secy 15/2/23
Asst 16/2

Gen Secy

Dy Secy 13/2

55-17
23-2-23

Law Member 22.2.23

3) Appd
16/2
10/3

Secy
Home Dept

2 To the DM Bangalore
no. P-965-29 17.3.23
sanctioning the prosecution

APR 1923

JUDICIAL

BSL

C-167-22-1

3947

3

Office of the Deputy Commissioner,
and District Magistrate,
Bangalore District.

No. Dated Bangalore, 21st January 1923.

29

From

B. Venkoba Rao, Esq.,B.A.,
Deputy Commissioner, Bangalore District.

To

G. Aravamudu Iyengar, Esq.,B.A., B.L.,
Secretary to the Government of His Highness
the Maharaja of Mysore, General Department.

Sir,

I have the honour to state that the Assistant Superintendent of Police, Bangalore City, states in his letter No.C.Petn. 123 dated 28th December 1922 that on the receipt of an anonymous petition by him stating that some 3 persons were keeping a lottery office in the limits of Kengeri Police Station, an enquiry was made and it was ascertained that the marginally noted 8 persons were running lottery offices, the particulars of which are as follows:--

1. V.Ponnusamachari.
2. Narasamma,
3. Nanjundappa and Munivenkatappa.
4. Doddavenkatappa.
5. Narasimhayya.
6. P. Nanjundappa.
7. Gangadhara Mudaliar.
8. Sheik Davood.

The persons who keep lottery offices draw the prizes every week and this goes on for 20 weeks; the keeper of the lottery house, who has issued the least number of books, viz.100 earns on an average between Rs.50 to Rs.80 a month; every subscriber pays one anna each a week adding to it by another anna every week for 20 weeks and thus each subscriber pays in all Rs.13-2-0 and gets by chance a brass vessel worth Rs.9 losing Rs.4-2-0 in the transaction which goes to the pocket of the lottery runner.

The Assistant Superintendent of Police further states that none of these persons have obtained the sanction of Government to run the lottery houses and that as these transactions come

under the definition of lottery, the sanction of Government is necessary for institution of proceedings in this case and requests that steps may be taken to obtain the sanction of Government to prosecute these people.

I request therefore that the sanction of Government may be kindly accorded for institution of proceedings against the 8 persons referred to under Section 294 A I.P.C.

Copies of Assistant Police Superintendent's report and its enclosures are herein enclosed for kind perusal.

I have the honour to be,

Sir,

Your most obedient servant,

Deputy Commissioner, and Dist. Magistrate,
Bangalore District.

Letter No.C.Petn.~~Nx~~.123 dated 28th December 1922 from the Assistant Superintendent of Police, Bangalore City, to the District Magistrate, Bangalore District.

I beg to submit that an anonymous petition was received by me on 29th November 1922 stating that some three persons were keeping a lottery office in the limits of Kengeri Gate Station.

I referred the same to the B.Division Inspector for confidential enquiry and report. On 9th December 1922, the Sub Inspector of Police of Kengeri Gate and the B.Division Inspector reported that eight persons noted in the margin were running lottery offices. The full particulars of the said lottery offices hadnot been collected by the Inspector. I therfore personally instructed the Inspector to collect the full particulars of the said lottery offices. The detailed report of the Sub Inspector and Inspector prepared as per my instructions with its enclosures and the first petition received by me on the subject are enclosed for kind perusal.

1. V. Ponnusamachari.
2. Narasamma.
3. Nanjundappa and Munivenkatappa.
4. Doddavenkatappa.
5. Narasimhaiya.
6. P. Nanjundappa.
7. Gangadhara Mudaliar.
8. Sheik Davood.

A perusal of the report will show that these eight persons are no doubt keeping lottery houses. They draw the prizes every week and this goes on for 20 weeks and according to calculations made in the enclosed report, the keeper of the lottery house who has issued the least number of books viz. 100 earns on an average between Rs.50 to Rs.80 a month. This is the money of the poor ignorant subscribers most of whom are women, who subscribe at the rate of one anna a week, adding it by another anna each week till twenty weeks, and thus each subscriber pays in all Rs.13-2-0 and gets by chance a brass vessel worth Rs.9 and thus losing Rs.4-2-0 in the transaction which flows into the pockets of the lottery runner for no pains of his.

Thus I submit that these transactions come under thedefinition of 'Lottery' as interpreted in the Comments under Section 294 A, I.P.C. This offence is a non-cognizable one. Sanction of the Government is necessary for institution of proceedings in these cases as none of these

persons have obtained the sanction of the Government to run these lottery houses. Section 196 Criminal Procedure Code contemplates that no Court shall take cognizance of any offence under Section 294 A, I.P.C. unless upon a complaint made by the order of or under authority from the Government or from some officer empowered by Government in that behalf.

I therefore request that steps may kindly be taken early to obtain the sanction of the Government to prosecute these people under the above mentioned section as poor ignorant people are losing money at the hands of these men.

Encl.1.

R e p o r t.

The following members are running lottery houses in the Kengeri Gate Station limits;--

Sl.No.	Names of Lottery house runners.	No.of lottery books issued by each individual.	Total amount collected from each member.
1.	V.Ponnasamachari, Puttanna's Chowk, Mill Rd.	300	13 2 0
2.	Narasamma. Petty Shop Keeper, Mill Road.	400	13 2 0
3.	Nanjundappa and Munivenkatappa, Ranasingpet.	100	13 2 0
4.	Dodda Venkatappa, Door No.66, Ranasingpet.	100	13 2 0
5.	Narasimhiah, No.60, Ranasingpet.	100	13 2 0
6.	P. Nanjundappa, Bidakuladapet.	100	13 2 0
7.	Gangadhara Moodliar, Ranasingpet.	100	13 2 0
8.	Sheik Davood, Ranaveerasettypet.	100	13 2 0

The rules framed by all the lottery runners are one and the same. It was ascertained that .. Ponnasamachari started this kind of lottery and the rest copied him. The subscribers have to subscribe one anna in the first week, 2 annas in the second, and so on increasing the sbuscription by one anna

7

every week up to 20 weeks. Thus each member will have contributed 20 x 21/2 or 210 annas, i.e. Rs.13-2-0 at the end of the 20th week.

The distribution of prizes are Rs.9 worth of one brass vessel or ½ a Sovereign to the prize winner. At the end of every week the Manager or the Agent of the Lottery house shuffles the numbers of all the members and one prize valued at Rs.9 is given to the prize winner. Thus in all for the whole 20 weeks 20 prizes are awarded and those that do not get anything are also given Rs.9 worth of brass vessels. By calculation the total amount got by the Agent of a lottery house who has issued for example the least number of lottery books (viz.100) would come to Rs.13-2-0 x 100 or Rs.1312-8-0. The least amount given away as prizes would be Rs.9 x 100 or Rs.900. The highest amount that might by chance be spent in case only one is to get the winning number on all the 20 weeks would be Rs.9 x 20 + 99 x 9 = Rs.180 + 891 = Rs.1071. Even then the lottery runner would gain Rs.1312-8-0 − 1071-0-0 = Rs.241-8-0 for 20 weeks or 4 months and 20 days. Thus a gain of Rs.50/- per mensem is made. As such a chance as above described (viz.one man getting the prize on all the 20 times) cannot occur and considering the least amount given away viz. Rs.900 then the gain per month would be Rs.80/-. Any how a gain between Rs.50 and Rs.80 is made per mensem by each lottery house runner who has issued the least number of books viz.100.

The definition of lottery is contemplated as - A lottery is a game of chance in which the event of either gain or loss of the absolute right to a prize or prizes by the person concerned is made wholly dependent upon the drawing or casting of lot. A lottery is a distribution of prizes by lot or chance - The drawing up of a number at the end of every week for 20 weeks and awarding the prize to the drawn up number and also distributing Rs.9 worth of brass vessels to each of the rest -i.e. the members that did not get a prize at any one time of the drawing - seem to suit the principles laid down in the definition. The latter arrangement of distributing

the prizes by lot is only a plan to encourage the subscribers to contribute their subscription till the end and also to become members during the next session.

I also beg to submit that the subscribers are mostly women. Of course there is clear fraud in this system of lottery as Rs.9 is only paid inexchange of Rs.13-2-0.

None of these lottery house runners has obtained the required sanction of Government to run the house. The Section 294 A, I.P.C. is a non-cognizable one and it contemplates the sanction of the local government to prosecute the agents or owners of these lottery houses.

One sample book of each of the lottery house runner is herewith enclosed for kind perusal along with ~~xxxxxxx~~ Con. petition 123/22-23 sent with Dr.F.626 dated 1st December 1922.

Solicits instructions in the matter.

Sd. M.K.Narasimha Iyengar,
Sub Inspector, Kengeri Gate
Police Station.
18-12-1922.

To No. 659
Enc: 7 books one notice of Shaik Davood
with enclosure the Con: petn 123/22-23
Submitted.
Sd.M.C.Krishniengar,
Inspector of Police.

Encl.No.2.

Con: petn 123/22-23 anonymous petition.

To

The Police Superintendent,
Bangalore District, Bangalore City.

Respected Sir,

I beg to inform your honor that the some of the members of Nanasing Pet, cunningly collecting lottery chits from the females and males and paying half amount some of the members and deceiving them sharing the remainder amount each dividing Rs.100 Rs.200 and so on. This arrangement was going on in secretly and doing quite contrary to the Government all the poor females and males are loosing their money without knowing the amount, therefore I request your honor will

9

have proper enquiry upon those lottery agents, poor people ~~xxxx~~ losing their money poor ignorants do not know anything about amount. I hope that your honor will take proper action upon them.

The chief Lottery members.

1. Lot.in Gopalasawmy matern's front house.
2. Do. Benny Mechanic Road Ponusawmy Achary. Petty Bazar Narasammal and others.
3. Lot.Benny Mechanic cross road. If you catch the above said 2 members everything will be caught.Then you will understand their tricks.

Copy

B Subba Rao

Deputy Commissioner,
and District Magistrate,
Bangalore District.

Js

9(A) to 9(H)

19. 29779

From

The District magistrate
Bangalore District

To

The Secretary to Government
General Department

Dated 21 January 1923

Despatched 29 January 1923

Received 30 January 1923.

General No. J.C. 964
No. 22-23 P

Enclosure No. 91

FEB 1923

Requesting the sanction of Government for institution of proceedings against V. Panna-samachari and others under Section 294A I.P. Code.

Passes 9A to 9H.

Sent to D.M. Bangalore with this office letter no P. 22285 dy 31-10-23

31/10/23

1/2

(10

G.R..S VI G 34]

SUBJECT.....

.....

.....

Diary No. of letter replied to... 3447

General and Revenue Secretariat

( )

, *the* 192 .

Date of issue..... 17/3/23

Signed by..... M. Jois

Section CS

File No. 167-22

Serial No. 2

Proceedings of the Government of His Highness the Maharaja of Mysore.

Read—

Letter no: JC 964/22-23 dated 21.1.23 from the Dy/Comr Bangalore Dist requesting sanction under sec 196 Cr: Pro: code to institute proceedings against V. Somasundaram Chari and 7 others, under sec 294 & 9 the I.P.C. for reasons stated

9652

Order Thereon No. Sanctioned

Govt are pleased to direct that action may be taken by prosecuting the persons concerned for an offence under sec 294 A of the I.P.C.

May this be

i Printed ?

ii treated as a standing order ?

iii published in the Gazette.

English Part ?

v translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

Secy to Govt Home Dept

To The Dy/Comr & D.M. Bangalore Dist.

Secl 17/3/23. AM 17/3